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16 November 1954

MEMORANDUM FOR: Chief, EE/Personnel

FROM : Office of General Counsel 25X1A9A

SUBJECT : Travel Expenses to Field of [REDACTED]

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1. You have asked for our opinion concerning [REDACTED]'s travel expenses from the U. S. to her overseas post of duties. Brie-fly, the facts, as we understand them, are these: [REDACTED] is married to a private in the U. S. Army stationed overseas. She wished to join him and was about to resign from the Agency in order to do so and be with him for the remaining tour of his overseas duty (slightly over one year). Her superiors, however, persuaded her to remain with the Agency and told her that she would be sent to the same area as that in which her husband was stationed and that she could stay with the Agency for the remaining year of her husband's tour of duty, then resign and pay her own way back to the States. Accordingly, the Agency sent [REDACTED] overseas where she joined her husband. Shortly thereafter she became pregnant and now, four months after she arrived overseas, is unable to continue her work and must take maternity leave. She will, however, remain in the area as there are adequate hospital facilities. The question is: Does the period of time which she takes as maternity leave constitute a part of the one year which she must serve overseas in order not to have to repay her travel expenses from the U. S. to the field?

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2. It has been consistently held both by this Agency and throughout Government generally, that sick leave and maternity leave, provided taken in the overseas area, count as part of the one year service overseas. [REDACTED] therefore, count her maternity leave as part of the one year of overseas service and, if at the expiration of the year she resigns and returns to the U. S., she need not repay the Agency for her travel expenses to her overseas post.

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OGC/JFMJr:mks

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- Orig & L - Addressee
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- 1 - OGC 349 South
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- 1 - Chrono

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Next 3 Page(s) In Document Exempt